

Article - Environment

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§15–820.

(a) If the Department determines from the inspections of the affected land required by § 15-828 of this subtitle that the activities under the mining and reclamation plan and other terms and conditions of the permit fail substantially to achieve the purposes and requirements of this subtitle, the Department shall give the permittee written notice of:

(1) The Department's determination;

(2) The Department's intention to modify the mining and reclamation plan and other terms and conditions of the permit in a stated manner; and

(3) The permittee's right to a hearing on the proposed modification at a stated time and place.

(b) The date for the hearing may not be less than 15 days nor more than 30 days after the date of the notice unless the Department and the permittee mutually agree on another date. Following the hearing the Department may modify the mining and reclamation plan and other terms and conditions of the permit, in the manner stated in the notice or in another manner it deems reasonably appropriate in view of the evidence submitted at the hearing. Refusal of the permittee to comply with the conditions set forth in the permit so modified by the Department shall result in the revocation of the permit.

(c) No fee may be charged to the permittee for a departmental modification of the permit.

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